

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                                 |                          |
|---------------------------------|--------------------------|
| In re PATENT APPLICATION of:    | )                        |
|                                 | )                        |
| Eva WITT et al.                 | ) Confirmation No.: 5061 |
|                                 | )                        |
| Application No.: 10/584,903     | ) Group Art Unit: 1793   |
|                                 | )                        |
| Filed: June 28, 2006            | ) Examiner: Deborah Yee  |
|                                 | )                        |
| FOR: METHOD FOR THE MANUFACTURE | )                        |
| OF AN AUSTENITIC PRODUCT AS     | )                        |
| WELL AS THE USE THEREOF         | )                        |

Sir:

**AMENDMENT TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment in response to the Office Action dated August 7, 2009.
2. Additional papers enclosed:

- |                                     |  |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | Attachment: Annotated Drawing Sheet (containing Fig. 1)  |
| <input checked="" type="checkbox"/> | Attachment: Replacement Drawing Sheet (containing Fig. 1)  |
| <input checked="" type="checkbox"/> | Substitute Specification   |
| <input checked="" type="checkbox"/> | Comparison Document  |
| <input type="checkbox"/>            | Information Disclosure Statement   |
| <input type="checkbox"/>            | Form PTO-1449  |
| <input type="checkbox"/>            | Citations  |
| <input type="checkbox"/>            | Declaration of Biological Deposit  |
| <input type="checkbox"/>            | Submission of "Sequence Listing", computer readable copy and/or amendment<br>pertaining thereto for biotechnology invention containing nucleotide and/or amino<br>acid sequence. |

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.

☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

| <u>Total Months<br/>Requested</u>             | <u>Fee for<br/>Extension</u> | <u>[Fee for Small<br/>Entity]</u> |
|---|------------------------------|-----------------------------------|
| <input checked="" type="checkbox"/> one month | \$ 130.00                    | \$ 65.00                          |
| <input type="checkbox"/> two months           | \$ 490.00                    | \$ 245.00                         |
| <input type="checkbox"/> three months         | \$ 1,110.00                  | \$ 555.00                         |
| <input type="checkbox"/> four months          | \$ 1,730.00                  | \$ 865.00                         |
| <input type="checkbox"/> five months          | \$ 2,350.00                  | \$1,175.00                        |

Extension of time fee due with this request: \$130.00

If an additional extension of time is required, please consider this a Petition therefor.

4. Constructive Petition

☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

| CLAIMS AS AMENDED                                     |   |       |                                |                  |                |            |
|---|---|-------|--------------------------------|------------------|----------------|------------|
|   | Claims<br>Remaining<br>After<br>Amendment |       | Highest No.<br>Previously Paid | Present<br>Extra | at Rate of     | Total Fees |
| Total Claims<br>(37 C.F.R. §1.16(c))                  | 14  | minus | 20                             | 0                | x \$52 each =  | + \$0.00   |
| Independent Claims<br>(37 C.F.R. §1.16(b))            | 2   | minus | 3                              | 0                | x \$220 each = | + \$0.00   |
| [ ] First presentation of Multiple dependent claim(s) |   |       |                                |                  | \$370.00       | + \$0.00   |
| SUB-TOTAL =   |   |       |                                |                  |                | \$0.00     |
| Reduction by ½ for filing by a small entity           |   |       |                                |                  |                | - \$0.00   |
| TOTAL FEE =   |   |       |                                |                  |                | \$0.00     |

6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ Total Fee **\$130.00** for the one-month extension of time fee is to be charged to a credit card. **WARNING: Information on this form may become public. Credit card information should not be included on this form.**
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0573.

Respectfully submitted,

**DRINKER, BIDDLE & REATH LLP**

Dated: December 1, 2009

By: 

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